

UNITED STATES DISTRICT COURT		
DISTRICT OF NEW JERSEY		
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LEONID CHERNYAK,	:	
	:	
	:	Civil Action No. 18-2081 (JMV)
Petitioner,	:	
	:	
v.	:	OPINION AND ORDER
	:	
KIRSTJEN NIELSEN, et al.,	:	
	:	
Respondent.	:	

LEONID CHERNYAK
Hudson County Correctional Center
30-35 Hackensack Avenue
Kearny, NJ 07032
Petitioner *Pro Se*

CAROLINE A. SADLOWSKI, Esq.
United States Attorney's Office
970 Broad Street
Suite 700
Newark, NJ 07102
On behalf of Respondent

On February 13, 2018, Petitioner filed a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 (ECF No. 1), challenging his detention since August 25, 2017, by the U.S. Immigration and Customs Enforcement (“ICE”). (ECF No. 1, ¶6.) This Court ordered Respondent to answer the petition. (ECF No. 4.) On April 16, 2018, Respondent submitted a Release Notification and an Order of Supervision indicating that Petitioner was released on March 1, 2018. (ECF No. 6-1, 6-2.) Respondent contends the habeas petition is moot. (ECF No. 6 at 1.)

A habeas petition “generally becomes moot when [a petitioner] is released from custody” because there is no longer “an actual injury traceable to the defendant and likely to be redressed by a favorable judicial decision.” *Vasquez v. Aviles*, 639 F. App’x 898, 902 (3d Cir. 2016) (quoting *DeFoy v. McCullough*, 393 F.3d 439, 442 (3d Cir. 2005)). The present petition no longer presents a case or controversy under Article III, § 2 of the United States Constitution because Petitioner is no longer detained by ICE. *See id.* (finding petition moot where there were no collateral consequences that could be addressed by success on the petition after removal) (citing *Abdala v. I.N.S.*, 488 F.3d 1061, 1064 (9th Cir. 2007)). Therefore, the petition is dismissed as moot.

IT IS, therefore, on this 17th day of April, 2018

ORDERED that Petitioner’s Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 (ECF No. 1) is DISMISSED as moot; and it is further

ORDERED that the Clerk shall serve a copy of this Order on Petitioner at his last known address; and it is further

ORDERED that the Clerk shall close this matter.

s/ John Michael Vazquez
JOHN MICHAEL VAZQUEZ
United States District Judge